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AUG 23 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Alberth, Jr. et al. )  
)  
For: Method and Apparatus for Storing a )  
Message for Playback during a User- )  
Initiated Emergency Telephone Call )  
from a Wireless Device )  
)  
Serial No.: 09/610,768 )  
)  
Filed: July 6, 2000 )  
)  
Examiner: Tran, T. )  
)  
Art Unit: 2684 )

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being  
facsimile transmitted to the United States Patent and  
Trademark Office, Fax No. (571) 273-8300 on  
August 23, 2005.



August 23, 2005  
(Date)

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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AUG 25 2005

Attention: Board of Patent Appeals and Interferences**NOTICE OF APPEAL, TRANSMITTAL OF APPEAL BRIEF, and  
Petition Requesting a Two Month Extension**

In accordance with 37 CFR §41.31, applicants hereby appeal to the Board of  
Patent Appeals and Interferences from the last decision of the Examiner.

More specifically, the Notice of Appeal and enclosed brief is being filed in  
response to a final Office Action, dated March 23, 2005. The present filing date of August 23,  
2005, for filing the Notice of Appeal is within the permissible three month term for filing a  
response to the final Office Action, extended an additional two months.

08/25/2005 RFEKADU1 00000036 502117 09610768

01 FC:1401 500.00 DA

- 1 -

08/25/2005 RFEKADU1 00000036 502117 09610768

03 FC:1252 450.00 DA

In connection with filing the Notice of Appeal (\$500), the Appeal brief (\$500), and the Petition Requesting a Two Month Extension (\$450), a fee in the amount of \$790 is believed to be due, which corresponds to a fee of \$1450, which has been reduced by \$660, an amount corresponding to previous amounts already paid in connection with a previous filing of a Notice of Appeal (\$330 on January 9, 2004), and an Appeal Brief (\$330 on March 9, 2004). The previous Notice of Appeal and Appeal Brief filing fee should be applied to a later appeal on the same application, because the prosecution was re-opened by the Examiner, prior to a decision on the merits by the Board. Consequently the previous fees paid are applicable to be applied to a later filed appeal (see MPEP §1208.02).

The undersigned authorizes the Commissioner and respectfully requests that this fee be charged to deposit account 50-2117. The Commissioner is further authorized to charge any additional fees deemed to be necessary in connection with the proper handling and consideration of the present Notice of Appeal and Petition requesting a two month extension, and the enclosed Appeal Brief in support of the appeal from the Examiner's final rejection, including any underpayments, and/or credit any overpayments to deposit account 50-2117.

Respectfully submitted,

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